



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MAY 24 2016

Donna Depaul-Kelly, Treasurer  
Bullwinkel for Congress  
PO Box 6187  
Villa Park, IL 60181

RE: MUR 6963

Dear Ms. Depaul-Kelly:

On September 14, 2015, the Federal Election Commission notified Bullwinkel for Congress and you, as treasurer ("the Committee") of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"). On May 12, 2016, based upon the information contained in the complaint, and information provided by the Committee, the Commission decided to exercise its prosecutorial discretion to dismiss the complaint and close its file in this matter. Accordingly, the Commission closed its file in this matter on May 12, 2016.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Daniel A. Petalas  
Acting General Counsel

BY: Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination and  
Legal Administration

Enclosure  
General Counsel's Report

**SENSITIVE**

RECEIVED  
FEDERAL ELECTION  
COMMISSION

**BEFORE THE FEDERAL ELECTION COMMISSION**

2015 MAY -2 PM 1:11

2015 APR 30 PM 12:55

**ENFORCEMENT PRIORITY SYSTEM  
DISMISSAL REPORT**

**MUR: 6963**

**Complaint Receipt Date: September 8, 2015**

**Response Date(s): October 5, 2015**

**CELA**  
**Respondents: Bullwinkel for Congress**  
**Donna Depaul-Kelly as treasurer**  
**(collectively the "Committee")**

**Alleged Statutory/  
Regulatory Violations:**

**52 U.S.C. § 30120(a)(1)**  
**11 C.F.R. §§ 110.11(a)(1), (b)(1)**

The Complaint alleges that the Committee violated the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations by failing to include the required disclaimers on its website. The Complaint attaches a printout of the Committee's campaign website home page, [debforcongress.com](http://debforcongress.com), as well as a printout of the website's "Biography" page, neither of which displays a disclaimer. The Committee acknowledges that its web administrator had not followed instructions concerning the disclaimer requirements, but states that it has since corrected the error. The Committee's response attached printouts of corrected versions of the home page and "Biography" page, each of which now appears to display the proper disclaimer.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for

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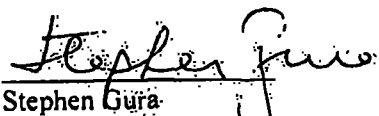
Commission action after application of these pre-established criteria. Given that low rating and the other circumstances presented, we recommend that the Commission dismiss the allegations consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

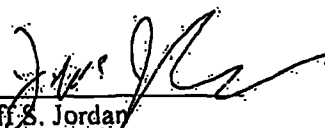
Daniel A. Petalas  
Acting General Counsel

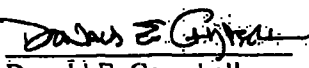
Kathleen M. Guith  
Acting Associate General Counsel  
for Enforcement

5.2.16  
Date

BY:

  
Stephen Gura  
Deputy Associate General Counsel  
for Enforcement

  
Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination  
& Legal Administration

  
Donald E. Campbell  
Attorney  
Complaints Examination  
& Legal Administration

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